

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-1077V

Filed: May 29, 2018

UNPUBLISHED

DAVID LANS STOUT,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Guillain-Barre Syndrome (GBS)

*Lawrence R. Cohan, Anapol Weiss, Philadelphia, PA, for petitioner.*

*Mallori Browne Openchowski, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On August 8, 2017, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered Guillain-Barre Syndrome (“GBS”) as the result of an influenza (“flu”) vaccination he received on September 7, 2016. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 25, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent states that “the Division of Injury Compensation Programs,

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Department of Health and Human Services (“DICP”), have reviewed the petition and medical records filed in the case, and has determined that compensation is appropriate . . . petitioner’s alleged GBS is consistent with the Vaccine Injury Table for GBS following the seasonal flu vaccination, and that it was caused-in-fact by the flu vaccine he received on September 7, 2016.” *Id.* at 7. Respondent further agrees that “[b]ased on the medical records outlined above, petitioner has met the statutory requirements for entitlement to compensation.” *Id.*

**In view of respondent’s position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master